

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART, State Bar No. 83047
Supervising Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 327-6819
6 Facsimile: (916) 324-5567

7 Attorneys for Complainant
8
9

10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2007-321

13 **NORA JANE TARLTON**
a.k.a. NORA JANE SPURLOCK
14 7271 Katella Avenue, Apt. #21
Stanton, CA 90680

DEFAULT DECISION
AND ORDER

[Gov. Code §11520]

15 Registered Nurse License No. 620103

16 Respondent.
17

18 **FINDINGS OF FACT**

19 1. On or about June 29, 2007, Complainant Ruth Ann Terry, M.P.H., R.N., in
20 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs, filed Accusation No. 2007-321 against Nora Jane Tarlton, also known as
22 Nora Jane Spurlock ("Respondent"), before the Board of Registered Nursing.

23 2. On or about June 23, 2003, the Board of Registered Nursing ("Board")
24 issued Registered Nurse License Number 620103 to Respondent. Respondent's registered nurse
25 license expired on November 30, 2004.

26 3. On or about July 9, 2007, Araceli Mercado, an employee of the Office of
27 the Attorney General, served by certified and first class mail a copy of the Accusation No.
28 2007-321, Statement to Respondent, Notice of Defense, Request for Discovery, and Government

1 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,
2 which was and is 7271 Katella Avenue, Apt. #2, Stanton, CA 90680. A copy of the Accusation
3 is attached as exhibit A and is incorporated herein by reference.

4 4. Service of the Accusation was effective as a matter of law under the
5 provisions of Government Code section 11505, subdivision (c).

6 5. Government Code section 11506 states, in pertinent part:

7 (c) The respondent shall be entitled to a hearing on the merits if the
8 respondent files a notice of defense, and the notice shall be deemed a specific
9 denial of all parts of the accusation not expressly admitted. Failure to file a notice
of defense shall constitute a waiver of respondent's right to a hearing, but the
agency in its discretion may nevertheless grant a hearing.

10 6. Respondent failed to file a Notice of Defense within 15 days after service
11 upon her of the Accusation, and therefore waived her right to a hearing on the merits of
12 Accusation No. 2007-321.

13 7. California Government Code section 11520 states, in pertinent part:

14 (a) If the respondent either fails to file a notice of defense or to appear at the
15 hearing, the agency may take action based upon the respondent's express admissions or
16 upon other evidence and affidavits may be used as evidence without any notice to
respondent.

17 8. Pursuant to its authority under Government Code section 11520, the Board
18 finds Respondent is in default. The Board will take action without further hearing and, based on
19 Respondent's express admissions by way of default finds that the allegations in Accusation No.
20 2007-321 are true.

21 9. The total costs for investigation and enforcement are \$2,077 as of January
22 8, 2008.

23 **DETERMINATION OF ISSUES**

24 1. Based on the foregoing findings of fact, Respondent Nora Jane Tarlton,
25 also known as Nora Jane Spurlock, has subjected her Registered Nurse License Number 620103
26 to discipline.

27 2. A copy of the Accusation is attached.

28 3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Registered Nursing is authorized to revoke Respondent's registered nurse license based upon the following violation alleged in the Accusation: Business and Professions Code section 2761, subdivision (a)(4) (denial of licensure by the Arizona State Board of Nursing).

ORDER

IT IS SO ORDERED that Registered Nurse License Number 620103, heretofore issued to Respondent Nora Jane Tarlton, also known as Nora Jane Spurlock, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on April 21, 2008.

It is so ORDERED March 21, 2008

La Francine W Tate

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

Exhibit A

Accusation No. 2007-321

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART, State Bar No. 83047
Lead Supervising Deputy Attorney General
4 California Department of Justice
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5339
Facsimile: (916) 327-8643

7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **NORA JANE TARLTON a.k.a.**
NORA JANE SPURLOCK TARLTON
14 7271 Katella Avenue, Apt. #21
Stanton, CA 90680

Case No. 2007-321

ACCUSATION

15 Registered Nurse License No. 620103,

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

- 19 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.
- 22 2. On or about June 23, 2004, the Board of Registered Nursing ("Board")
23 issued Registered Nurse License Number 620103 to Nora Jane Tarlton a.k.a. Nora Jane Spurlock
24 Tarlton ("Respondent"). The license expired on November 30, 2004, and has not been renewed.

25 **JURISDICTION**

- 26 3. Section 2750 of the Business and Professions Code ("Code") provides:

27 "Every certificate holder or licensee, including licensees
28 holding temporary licenses, or licensees holding licenses placed
in an inactive status, may be disciplined as provided in this

1 article [Article 3 of the Nursing Practice Act (Bus. & Prof.
2 Code, § 2700 et seq.)]. As used in this article, 'license'
3 includes certificate, registration, or any other authorization to
4 engage in practice regulated by this chapter. The proceedings
5 under this article shall be conducted in accordance with Chapter 5
6 (commencing with Section 11500) of Part 1 of Division 3 of
7 Title 2 of the Government Code [the Administrative Procedure
8 Act], and the board shall have all the powers granted therein."

9
10
11 4. Code section 2764 provides:

12 "The lapsing or suspension of a license by operation of
13 law or by order or decision of the board or a court of law, or the
14 voluntary surrender of a license by a licensee shall not deprive
15 the board of jurisdiction to proceed with any investigation of or
16 action or disciplinary proceeding against such license, or to
17 render a decision suspending or revoking such license."

18 STATUTORY PROVISIONS

19 5. Code section 2761, subdivision (a)(4), provides:

20 "The board may take disciplinary action against a certified
21 or licensed nurse or deny an application for a certificate or license
22 for any of the following:

23 (a) Unprofessional conduct, which includes, but is not
24 limited to, the following:

25

26 (4) Denial of licensure, revocation, suspension, restriction,
27 or any other disciplinary action against a health care professional
28 license or certificate by another state or territory of the United
States, by any other government agency, or by another California
health care professional licensing board. A certified copy of the
decision or judgment shall be conclusive evidence of that action."

1 6. Code section 125.3 provides that the Board may request the
2 administrative law judge to direct a licensee found to have committed a violation or
3 violations of the licensing act to pay a sum not to exceed the reasonable costs of the
4 investigation and enforcement of the case.

5 DRUGS

6 7. "Fentanyl" is a Schedule II controlled substance as designated by Health
7 and Safety Code section 11055(c)(8).

8 ///

1 "Morphine" is a Schedule II controlled substance as designated by Health
2 and Safety Code section 11055(b)(1)(M).

3 "Vicodin" is a Schedule III controlled substance as designated by Health
4 and Safety Code section 11056(e)(4).

5 "Soma," a brand of Carisoprodol, is a dangerous drug within the meaning
6 of Business and Professions Code section 4022 in that it requires a prescription under federal
7 law.

8 "Percocet," a brand of oxycodone, is a Schedule II controlled substance as
9 designated by Health and Safety Code section 11055, subdivision (b)(1)(N).

10 "Oxycontin" is a trade name for controlled release oxycodone.
11 Oxycodone is a Schedule II controlled substance as designated by Health and Safety Code
12 section 11055, subdivision (b)(1)(N).

13 **CAUSE FOR DISCIPLINE**

14 (Out-of-State Denial of Licensure)

15 8. Respondent's license is subject to disciplinary action under Code section
16 2761; subdivision (a)(4), in that on January 22, 2004, the Arizona State Board denied
17 Respondent's application by endorsement for licensure as a professional nurse. The Arizona
18 Board denied Respondent's application, after receiving a complaint against Respondent made by
19 the Banner Samaritan Medical Center in Phoenix, Arizona.

20 9. On January 22, 2004, the Arizona Board considered the following
21 documentary evidence received in connection with the complaint made against Respondent:

22 (1) a complaint from Banner Samaritan Medical Center stating
23 Respondent had been terminated on April 23, 2003, due to behaviors she exhibited on April 19,
24 2003, and positive results of a "for cause" drug screen;

25 (2) a Banner Health System Anecdotal Note form stating that between
26 April 19 and 20, 2003, "... the Respondent was seen going into the break room with her hand in
27 a syringe box, then go into the bathroom and leave the unit. The Respondent was also observed

28 ///

1 with syringes in her purse. When she returned to the unit, she fell asleep in a chair at the nurses'
2 station;"

3 (3) a Narcotic Audit Summary of medical records of patients assigned
4 to Respondent from March 1, 2003 to April 20, 2003, noted numerous discrepancies in the
5 charting of controlled substances and recording of controlled substance wastage, and

6 (4) a personnel record from Slidell Memorial Hospital and Medical
7 Center, in Slidell, Louisiana, reflected that Respondent was discharged on or about November
8 12, 1987, for "Narcotic discrepancies," and that after being rehired by Slidell Memorial Hospital,
9 Respondent was discharged for "Gross Misconduct" on November 8, 1988. Respondent did not
10 appear at the Board meeting on her application.

11 10. On January 22, 2004, the Arizona Board issued Findings of Fact based on
12 the documentation considered in it's meeting and found cause to deny Respondent's application
13 pursuant to A.R.S. section 32-1663(A), as defined in A.R.S. sections 32-1601(16)(d), (h) and (j),
14 and A.A.C. R4-19-403 (1), (2),(5),(6)(13),(24), and (25). Respondent did not exercise her right
15 to appeal the Order and have a public hearing; after thirty days the Order of Denial therefore
16 became final.

17 **PRAYER**

18 **WHEREFORE**, Complainant requests that a hearing be held on the matters
19 herein alleged, and that following the hearing the Board issue a decision:

20 1. Revoking or suspending Registered Nurse License Number 620103, issued
21 to Nora Jane Tarlton a.k.a. Nora Jane Spurlock Tarlton;

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

2. Ordering Nora Jane Tarlton to pay the reasonable costs incurred by the Board in the investigation and enforcement of this case pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

Ellen Hochberg for
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant